

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

FREDERICK BANKS, #05711-068

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:07-cv-226-DCB-MTP

**UNKNOWN WILLIAMS, CONSTANCE REESE,
UNKNOWN HOLSTON, UNKNOWN CMC,
EDEN WHITE, CHRISTOPHER CURRY,
GERALD BRATCHER AND MILDRED GREER**

DEFENDANTS

ORDER

BEFORE THE COURT is Plaintiff's motion to vacate order [8] filed March 3, 2008.

Plaintiff is asking the Court to vacate it's order [7] denying Plaintiff's motion for reconsideration entered on February 22, 2008. Having considered the issues raised in the motion and the Court record, the Court finds that the motion is not well-taken and should be denied.

Plaintiff filed the present case on December 17, 2007, at which time his filing fee of \$350.00 was due. On January 4, 2008, this Court entered an order denying the Plaintiff *in forma pauperis* status and requiring the Plaintiff to pay the \$350.00 filing fee. At that time, the Court granted the Plaintiff an additional thirty days to pay his filing fee. Therefore, the Plaintiff's filing fee was then due on February 4, 2008. Plaintiff filed a motion for reconsideration [5] on January 18, 2008. The Court then entered its order denying the Plaintiff's motion [7] on February 22, 2008. In that order [7] the Court inadvertently gave the Plaintiff a payment due date of February 15, 2008. Notwithstanding the error, the Plaintiff has had ample time and two extensions of his deadline to pay the filing fee. However, out of an abundance of caution, the Court will grant Plaintiff **ten days** from the date of this order to pay the \$350.00 filing fee or this action will be dismissed, without further written notice to the Plaintiff. It is hereby,

ORDERED that Plaintiff's motion to vacate order [8] is **denied**.

IT IS FURTHER ORDERED that Plaintiff has **ten days** to pay the required filing fee of \$350.00 or this action will be dismissed, without further written notice to the Plaintiff.

SO ORDERED this the 11th day of March, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE